

REMARKS

I. Status of the Claims:

Claims 1-6, 9-28, 31-35 and 38-63 were pending in the application prior to this submission. The Examiner has objected to pending claims 45 and 49, and pending claims 1-6, 9-28, 31-35 and 38-44, 46-48 and 50-63 stand rejected in the previous Final Office Action.

No claims have been amended in this response, and therefore, no new matter has been added, and thus, entry and consideration of this Amendment are respectfully requested.

II. Allowable Subject Matter:

The Examiner has objected to claims 45 and 49 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge the Examiner's indication of allowable subject matter in at least claims 45 and 49, and further reserve the right to amend the above claims to include all of the limitations of the base claim and any intervening claims later in the prosecution, if desired.

III. Response to Rejections Under 35 U.S.C. §103:

Claims 1-3, 9-12, 18, 19, 21-25, 31-34, 38-43, 46-48 and 50-63 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,999,721 to Ollis et al. (hereafter "Ollis") in view of U.S. Patent No. 7,046,649 to Awater et al. (hereafter, "Awater"), and U.S. Patent No. 6,560,443 to Vaisanen et al. (hereafter, "Vaisanen"), and further in view of U.S. 6,072,994 to Phillips et al. (hereafter, "Phillips"). Further, claims 4-6, 13-17, 26-28 and 35 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Ollis, Awater, Vaisanen and Phillips in view of alleged "applicant admitted prior art."

In particular, the Examiner alleges that claims 1-6, 9-28, 31-35 and 38-44, 46-48 and 50-63 are rendered obvious in view of various combinations of Ollis, Awater, Vaisanen, Phillips and Applicant's admitted prior art. Initially, Applicants point out that the rejection does not incorporate claim 20 in the header, but addresses claim 20 on page 4 of the Office Action, and therefore, Applicants have accounted for this rejection in their analysis and response.

Ollis is directed to a system that presents a "unified interface" that allows a user to select and communicate with remote devices without having to determine the most appropriate

wireless transfer mechanism (abstract). A source device (e.g., the device on which the unified interface is presented to the user) discovers potential destination devices within transmission range and the wireless transfer mechanisms supported by the discovered devices (column 6, lines 39-53). The discovered devices may then be presented to a user in the unified interface, and the user may further interact with these devices utilizing the unified interface without specifying the wireless transfer mechanism to use, as the most appropriate wireless transfer mechanism may be automatically selected, for example, in accordance with a set of rules (column 7, lines 23-30).

Awater is directed to a system for ensuring that one transceiver in a dual mode transceiver is not transmitting while the other transceiver, also in the dual mode transceiver, is receiving (abstract). An interoperability device acts to enable transmission in one transceiver at any given time in the dual mode transceiver to ensure that both transceivers are not actively transmitting at once (column 6, lines 34-57). A decision as to which transceiver to activate may be made in view of various criteria, such as user configuration via an interface, the requirements of the device or the device with which a wireless link is desired, etc. (column 6, lines 34-57).

Vaisanen is directed to system for controlling antenna switching in a wireless device (abstract). The Vaisanen system may operate to allow one wireless transceiver to be active (i.e., coupled to an antenna) in only a listening mode while another wireless medium may be both transmitting and receiving. When a signal corresponding to the listening transceiver is detected, an antenna switching control may couple/decouple the wireless transceivers with the antennas in order to prevent a high power transceiver from operating at the same time as a lower power transceiver that can be damaged in such simultaneous operation (column 5, lines 27-34).

Phillips is directed to a programmable multifunction radio system that partitions or divides the functions of a radio into channels and divides the function of each channel into various functions (abstract). The Phillips system includes various programmable elements that may be reprogrammed to alter operation. For example, an antenna interface module (AIU) 106 may incorporate all of the resources required to receive wireless signals via a particular antenna 102. This signal information may be provided to a common receive module 106 for processing commensurate with performance requirements (column 15, lines 48-67). Modules may be programmed in Phillips by preset means (e.g., ROM, dip switches, jumpers, etc.), or may be handled dynamically by a simple (e.g., a digital channel selector unit) or complex controller 114

(e.g., a workstation computer). Controller 114 may program the modules at the direction of user interface 116, based on user input, external equipment 118, etc. (column 16, lines 23-44).

Applicants request reconsideration of the previously presented claims in view of the following remarks. Applicants respectfully assert that at least claims 1, 10, 20, 23 and 32 are distinguishable from the cited references, taken alone or in combination. For example, as well as for the convenience of the Examiner, claim 1 was previously amended to recite the following:

1. (Previously Presented) A system, comprising:
 - a host entity configured to utilize a signaling protocol to control the operation of a plurality of communication modules in a device that share a common RF transceiver, the signaling protocol comprising:
 - a first parameter that indicates which of the plurality of communication modules are enabled for use in responding to a host command; and
 - a second parameter that indicates a priority order for operation of the enabled communication modules, as indicated by the first parameter, in response to receiving the host command,
 - wherein the enabled communication modules are configured to operate in sequence according to the priority order indicated by the second parameter and the received host command.

In an effort to clarify the current status of the pending claims, Applicants believe that the following representations accurately characterize the cited references in view of the current rejections: (1) The Ollis reference omits at least the signaling protocol, the shared common RF transceiver, the first parameter indicating modules that are enabled for use in responding to a host command and the second parameter indicating a priority order required by claim 1; (2) The Awater reference omits at least the signaling protocol, the first parameter indicating modules that are enabled for use in responding to a host command and the second parameter indicating a priority order required by claim 1; and (3) The Vaisanen reference omits at least the signaling protocol, the shared common RF transceiver and the first parameter indicating modules that are enabled for use in responding to a host command required by claim 1. These characterizations are based on the understanding that the additional references would not have been added if these limitations were found in the previously cited documents.

Initially, Applicants respectfully assert that none of the current rejections address the limitation, “the signaling protocol comprising: a first parameter that indicates which of the plurality of communication modules are enabled for use in responding to a host command” as set forth in at least claim 1. Applicants have reviewed all of the references cited by the Examiner, and believe that the Ollis, Awater and Vaisanen references, as well as any prior art disclosed by the Applicant, taken alone or in combination, do not render obvious this limitation of claim 1.

The Examiner further alleges that Vaisanen renders obvious the requirements of claim 1, “the signaling protocol comprising: ...a second parameter that indicates a priority order for operation of the enabled communication modules, as indicated by the first parameter, in response to receiving the host command.” Applicants respectfully assert that the Vaisanen reference neither recites nor implies this limitation, as recited in at least claim 1. In particular, the Examiner relies upon column 5, lines 17-26 of Vaisanen which describes a scenario wherein “the WLAN radio may be the preferred choice of communication linkage.” As a result of this preset default, the Vaisanen system may be tailored to always default to WLAN communication over Bluetooth communication when WLAN is available. The strategy does not teach or suggest the claimed invention, wherein a parameter in a signaling protocol indicates the priority of active communication modules, as identified by a first parameter, especially since the rejection already acknowledges that signaling protocols are neither recited nor implied by the Vaisanen reference.

Applicants further contend that the incorporation of Phillips into the previously combined references does not remedy any of the deficiencies set forth above. While the system disclosed in Phillips may be reconfigured to operate in different radio modes, the configuration is not performed based upon at least two parameters of a signaling protocol as explicitly required by claim 1. Instead, the Phillips system utilizes a controller 114 to separately configure different components of the system in accordance with the selected mode of operation or required level of performance. As discussed above, programmable radio elements may be set utilizing controls having predetermined settings (e.g., ROM, dip switches, jumpers, etc.), or may be handled dynamically by a simple (e.g., a digital channel selector unit) or complex controller 114 (e.g., a workstation computer). Controller 114 may program the modules at the direction of a user, via user interface 116, external equipment 118, etc. (column 16, lines 23-44). Therefore, Phillips explicitly discloses a method of configuration that is clearly distinguishable from the present invention, as claimed, wherein communication modules enabled for use, as determined by a first

parameter of a signaling protocol, are configured to operate in sequence based on a priority order indicated by the second parameter of the signaling protocol and the received host command.

In view of the above, Applicants respectfully assert that Ollis, Awater, Vaisanen and Philips, as well as any prior art admitted by Applicants, taken alone or in combination, neither anticipate nor render obvious each and every limitation of at least previously pending claim 1. Independent claims 10, 20, 23 and 32 include at least the distinguishable elements of claim 1, and therefore, are also believed to be distinguishable from the cited references. All of the pending claims not specifically discussed above depend from claims 1, 10, 20, 23 and 32, and therefore, are distinguishable at least for the reasons discussed above with respect to claim 1. As a result, Applicants respectfully request that the 35 U.S.C. §103(a) rejection now be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4136. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 4136. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

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